

IN THE MUNICIPAL COURT OF APPEALS  
OF THE CITY OF EL PASO, TEXAS

GUILLERMO GARCIA,

Appellant,

vs.

STATE OF TEXAS,

Appellee.

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No. 07-MCA-3122

OPINION

Appellant appeals his conviction in Municipal Court for failing to maintain financial responsibility. A fine of \$211.00 was assessed.

Appellant has provided proof to this Court, which he did not to the Trial Court evidently, that his vehicle was insured on the date that he was cited. The City Prosecutor's Brief indicates they validated that information by phone to his agent but contend that he submitted the proof late. Obviously, it is best for persons charged with this offense to present that evidence to the Trial Court, but regrettably, this Court, too often, is the first to see that proof which provides them a defense. This Court has never held that providing that information late constitutes a waiver of that defense.

Nonetheless, Appellant had a defense to this charge, and this Court is going to remand the case to the Trial Court for further consideration of the issue.

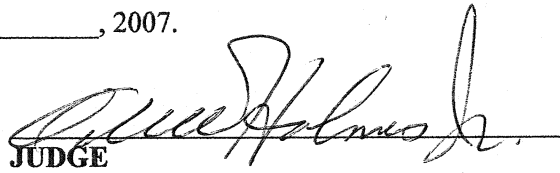
SIGNED this 14 day of July, 2007.

  
JUDGE

### JUDGMENT

This case came on to be heard on the Transcript of the Record of the Court below, the same being considered, it is ORDERED, ADJUDGED and DECREED by the Court that the case be reversed and remanded to the Trial Court for re-trial.

SIGNED this 14 day of Feb, 2007.

  
JUDGE